
MEMORANDUM

DATE: August 13, 2002

SUBJECT: Animal Services – Penalties and Fees
Proposed revisions amending Section 8.04.500 pertaining to Violation-Penalty; Section 8.04.510 pertaining to Issuance of Citations – Notice of Violations; and Appendix A to Chapter 8.04 regarding Salt Lake City Animal Services permits and fees

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Key Elements:

- A. On February 28, 2002, the Council held a public hearing to accept public comment and consider adopting an ordinance enacting and amending sections of the Salt Lake City Code relating to dogs (including other animals such as rabbits and cats) and horse-drawn carriages. The Council made a motion to adopt the horse drawn carriage portion of the proposed revisions, excluding amendments to Section 8.04.500, 8.04.510 and Appendix A to Chapter 8.04, dog and other animal related revisions. Council expressed interest to consider these sections at a later date, separately from the horse drawn carriage amendments. From previous discussions with Friends Interested in Dogs and Open Space (FIDOS), a citizen group, it was apparent that additional review and time was needed to address FIDOS' concerns in greater detail regarding various sections relating to dogs.

At this time, the proposed changes for Council's consideration pertain only to Section 8.04.500, Violation-Penalty, Section 8.04.510, Issuance of Misdemeanor Citations-Notice of Violations, and Appendix A. As mentioned, other dog (cat, rabbit) related sections require further review and discussion to address FIDOS' concerns.

- B. Regarding the proposed changes to Appendix A, new fees and an increase in fees are being proposed:
- \$25 fee for animal disposal,
 - transportation charge for livestock to increase from \$20 to \$25, and
 - \$100 disposal fee for livestock.

These proposed fees were part of the public hearing held on February 28, 2002, but

the Council voted not to adopt this section of the proposed amendment at that time. Council could elect to hold another public hearing following the briefing for this issue.

Additional Information:

The Administration's transmittal provides a detailed explanation regarding the rationale for the requested violation changes. Key elements are summarized below.

The Attorney's Office prepared a new ordinance for Council's consideration proposing revisions to the following sections under Title 8, Animals, Chapter 8.04 Animal Control.

Section 8.04.500 Violation-Penalty

A change was made to indicate that the violations listed in Section 8.04.510 are civil rather than criminal. This allows the Administrative Court to hear the issues.

Section 8.04.510 – Issuance of Misdemeanor Citations – Notice of Violations

This section lists violations to be classified as civil offenses provided they are not charged in conjunction with another criminal offense and do not constitute a fourth or succeeding notice of violation within a 24 month period.

- 1) Section 8.04.130 -- commercial permits
- 2) Section 8.04.160 -- commercial permit display
- 3) Section 8.04.070 -- licensing
- 4) Section 8.04-080 -- license tag requirements
- 5) Section 8.04.240 -- rabies vaccinations
- 6) Section 8.04.250B -- rabies tag requirements
- 7) Section 8.04.110 -- harboring stray animals
- 8) Section 8.04.390 -- animals running at large
- 9) Section 8.04.370 -- animal nuisances.

The following subsections under animal nuisances were excluded as civil offenses:

Subsections B.2: Any animal which is a "vicious animal;"

Subsection B.8: Any animal which attacks people or other domestic animals whether or not such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;

Subsection B.9: Any animal which is found at large three (3) or more times within any twelve (12) month period; and

Subsection B.10; Any animal which is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or type of animal kept or harbored.

- 10) Section 8.04.070F -- more than two dogs at a residence
- 11) Section 8.04.120 -- more than two cats at a residence
- 12) Section 8.04.120 -- more than two rabbits at a residence
- 13) Section 8.04.400 -- staking dogs improperly
- 14) Section 8.04.380 -- confining female dogs in heat
- 15) Section 8.04.440B -- giving animals as sales premiums
- 16) Section 8.04.440A -- the sale/premium of baby rabbits and fowl
- 17) Section 8.04.440C -- the sale of pet turtles

In 1999, when civil violations were first implemented, the following violations were designated as civil. However, due to public safety concerns, the City recognizes that some of the civil offenses should have remained as criminal. The Administration's memo provides an explanation as to why the following violations should remain as criminal.

- 1) animal trespass
- 2) animal care and maintenance
- 3) animals in vehicles

Appendix A Proposed Revisions

Fees are proposed for the disposal of dead animals -- \$25 for pets and \$100 for livestock. In the past, Animal Services has provided this service at no charge, but currently pays \$.33 per pound for disposal. The proposed fee will offset the charge. Animal Services provides a list of disposal alternatives acceptable to the City-County Health Department for pet owners who do not want to pay for the service. Also a list of commercial service providers is available for the disposal of livestock in lieu of the \$100 livestock disposal fee. In addition, transportation charge for livestock is proposed to increase from \$20 to \$25. It is proposed that fees for violations for animal attacks and bites and fierce, dangerous or vicious animals be deleted because these serious offenses are criminal violations.

In addition, a change was included to indicate that subsequent offenses after the third offense within a 24 month period for impound fees, licensing, permits, tags, rabies vaccination, at large, number of animals, staking, female dogs in heat, harboring stray animals, animals as sales premiums, sale of baby rabbits, fowl, and pet turtles, animal nuisance, commercial permit, and permit display, constitute a criminal offense. The Administration's paperwork states: "This requirement was added at the request of Animal Services and the City Prosecutor. Their experience is that if someone has that many episodes of civil violations (an average of more than one instance every 8 months), there is cause for concern. The offender may not be taking animal ownership seriously enough and something more than simply paying a fine may be warranted."